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Attorneys for Plaintiff

Eric Watson

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Eric Watson, an Individual

) Case No. 2:19-cv-00783-RFB-VCF

Plaintiff,

**STIPULATION FOR EXTENSION OF
TIME TO FILE RESPONSE TO
PLAINTIFF'S COMPLAINT
(Second Request)**

Banc of America Merchant Services, LLC, a Foreign Limited Liability Company; and Re Corporations 1-X.

**STIPULATION FOR EXTENSION OF
TIME TO FILE RESPONSE TO
PLAINTIFF'S COMPLAINT
(Second Request)**

Defendants.

Complaint Filed: May 7, 2019

1 Pursuant to LR IA 6-2 and LR 7-1, Plaintiff and Defendant Banc of America Merchant
2 Services, LLC (“Defendant”), by and through their respective attorneys of record, stipulate and
3 agree as follows:

4 WHEREAS, Plaintiff Eric Watson filed a Complaint against Defendant Banc of America
5 Merchant Services, LLC, on or about May 7, 2019; and

6 WHEREAS, the Complaint was served on Defendant on May 10, 2019 by personal service
7 upon its agent for service of process in Charlotte, North Carolina; and

8 WHEREAS, the parties previously stipulated to an extension because Defendant asserted
9 that a fully executed copy of a written agreement between Plaintiff and Defendant that bars the
10 claims in the initial Complaint, and Plaintiff’s counsel needed time to investigate the matter and
11 consider whether it is appropriate to voluntarily dismiss the Complaint; and

12 WHEREAS, upon further consideration, Plaintiff has voluntarily amended the Complaint
13 within the time to do so under Federal Rules of Civil Procedure, Rule 15(a)(1)(A), on June 18,
14 2019; and

15 WHEREAS, Federal Rules of Civil Procedure, Rule 15(a)(1)(C) provides that “Unless the
16 court orders otherwise, any required response to an amended pleading must be made within the
17 time remaining to respond to the original pleading or within 14 days after service of the amended
18 pleading, whichever is later”; and

19 WHEREAS, by prior stipulation, the deadline to file a responsive pleading would be June
20 30, 2019, or, pursuant to Federal Rules of Civil Procedure, Rule 15(a)(1)(C), is July 2, 2019, and,
21 due to the new allegations, counsel for Plaintiff offered to stipulate to an additional extension; and,

22 WHEREAS, counsel for Defendant has accepted Plaintiff’s offer since counsel reasonably
23 needs additional time to investigate the new factual allegations, and to evaluate and prepare its
24 responsive pleading, which may include a motion to dismiss, motion for judgment on the
25 pleadings, motion to transfer venue, an answer and/or a counter claim, and

1 WHEREAS, pursuant to Local Rule IA 6-1, the parties to an action may seek an order by
2 stipulation to extend the time within which to respond to a pleading for good cause; and

3 WHEREAS, this is the second stipulation for extension of time to plead or move in
4 response to the Complaint; and

5 WHEREAS, good cause exists to extend the time by which Defendant must respond by
6 responsive pleading or motion because the parties have agreed to allow Defendant's counsel time
7 to investigate the new allegations in the First Amended Complaint;

8 NOW THEREFORE, the Parties hereby stipulate and agree to extend Defendant's deadline
9 to move or plead in response to the Complaint to July 12, 2019. Defendant expressly does not
10 waive, and reserves its right, to file a motion to dismiss under FRCP 12(b)(2), (3), or (6), and/or to
11 make a motion for transfer of venue pursuant to 28 U.S.C. section 1406(a).

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14 IT IS SO STIPULATED.

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16 Dated: June 18, 2019

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LAW CORPORATION

By: /s/ Shauna N. Correia

Shauna N. Correia, Esq.
Attorneys for Defendants
Banc of America Merchant Services LLC

Dated: June 18, 2019

HKM EMPLOYMENT ATTORNEYS LLP

By: /s/ Jenny L. Foley

Jenny L. Foley, Ph.D., Esq.
Attorneys for Plaintiff
Eric Watson

1
[PROPOSED] ORDER

2
Good cause appearing therefore, Defendant's deadline to move or plead in response to the
3
Complaint shall be extended by 10 days beyond the time allowed in Federal Rules of Civil
4
Procedure Rule 15(a)(1)(C), to July 12, 2019.

5
IT IS SO ORDERED:

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By: 
10 UNITED STATES MAGISTRATE JUDGE

11
12 June 20, 2019

13 DATED: _____

1
CERTIFICATE OF SERVICE

2
I hereby certify that on this 19th day of June 2019, I electronically filed and served a true
3
and correct copy of the foregoing document **STIPULATION FOR EXTENSION OF TIME TO**
4
FILE RESPONSE TO PLAINTIFF'S COMPLAINT (Second Request) by using the CM/ECF
5
electronic filing system. I further certify that all the participants in the case are registered
6
CM/ECF users and that service will be accomplished by the Court's CM/ECF electronic system.
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9 _____
10 /s/ Edith Sanchez
11 Litigation Secretary of Weintraub Tobin Chediak Coleman Grodin
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